

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

LATISHA MITCHELL STEWART

PLAINTIFF

VS.

Civil Action No: 1: 16cv166-SA-DAS

**NORTHEAST MISSISSIPPI COMMUNITY
COLLEGE, STEVE BELEW, Individually and
RANDY BAXTER, Individually**

DEFENDANT

ANSWER AND AFFIRMATIVE DEFENSES TO COMPLAINT

COMES NOW the Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, by and through their attorney of record, and files this their Answer to the Complaint, and would state the following to-wit:

ANSWER

I.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, admit the allegations/facts contained in Paragraph number 1 of the Plaintiff's Complaint.

II.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, admit the allegations/facts contained in Paragraph number 2 of the Plaintiff's Complaint.

III.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, deny the allegations/facts contained in Paragraph number 3 of the Plaintiff's Complaint.

IV.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, admit the

allegations/facts contained in Paragraph number 4 of the Plaintiff's Complaint.

V.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, admit the allegations/facts contained in Paragraph number 5 of the Plaintiff's Complaint.

VI.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, admit the allegations/facts contained in Paragraph number 6 of the Plaintiff's Complaint.

VII.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, deny the allegations/facts contained in Paragraph number 7 of the Plaintiff's Complaint.

VIII.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, deny the allegations/facts contained in Paragraph number 8 of the Plaintiff's Complaint.

IX.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, deny the allegations/facts contained in Paragraph number 9 of the Plaintiff's Complaint.

X.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, deny the allegations/facts contained in Paragraph number 10 of the Plaintiff's Complaint.

XI.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, deny the allegations/facts contained in Paragraph number 11 of the Plaintiff's Complaint.

XII.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, deny the allegations/facts contained in Paragraph number 12 of the Plaintiff's Complaint.

XIII.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, deny the allegations/facts contained in Paragraph number 13 of the Plaintiff's Complaint.

XIV.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, deny the allegations/facts contained in Paragraph number 14 of the Plaintiff's Complaint.

XV.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, deny the allegations/facts contained in Paragraph number 15 of the Plaintiff's Complaint.

XVI.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, deny the allegations/facts contained in Paragraph number 16 of the Plaintiff's Complaint.

XVII.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, deny the allegations/facts contained in Paragraph number 17 of the Plaintiff's Complaint.

XVIII.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, deny the allegations/facts contained in Paragraph number 18 of the Plaintiff's Complaint.

XIX.

The Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, deny the

allegations/facts contained in Paragraph entitled Request for Relief.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE: That the Plaintiff has failed to state a cause of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE: That the Defendant NORTHEAST MISSISSIPPI COMMUNITY COLLEGE did not, in fact, act in a retaliatory manner. The individual who was eventually hired to fill the job opening was a more qualified candidate for said job.

THIRD AFFIRMATIVE DEFENSE: That even if the Court determines that the Defendant NORTHEAST MISSISSIPPI COMMUNITY COLLEGE did act in a retaliatory manner, said Defendant also had a non-retaliatory motivation for rejecting the Plaintiff's application for employment and is therefore not liable for any damages Plaintiff may have suffered as a result of Defendant NORTHEAST MISSISSIPPI COMMUNITY COLLEGE'S mixed motivations.

FOURTH AFFIRMATIVE DEFENSE: That the Plaintiff, lacks standing to sue the Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, for retaliation, in that she was not an employee of NORTHEAST MISSISSIPPI COMMUNITY COLLEGE.

Now having fully answered and affirmatively defended the Complaint, the Defendant, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, request that the same be dismissed and that all cost be taxed against the Plaintiff.

Respectfully submitted,

A handwritten signature in blue ink, reading "Daniel K. Tucker", is written over a horizontal line.

DANIEL K. TUCKER

MSB #8780

Attorney for NORTHEAST MISSISSIPPI
COMMUNITY COLLEGE

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STATE OF MISSISSIPPI

COUNTY OF PRENTISS

Personally appeared before me, the undersigned authority in and for the aforesaid State and County, RICKY G. FORD, PRESIDENT, NORTHEAST MISSISSIPPI COMMUNITY COLLEGE, who, having first been by me duly sworn, states on oath that said Answer is true and correct as therein stated, as are all other matters contained in the foregoing Answer.



RICKY G. FORD
PRESIDENT, NORTHEAST MISSISSIPPI
COMMUNITY COLLEGE

Sworn to and subscribed before me this the 10th day of October 2016.



NOTARY PUBLIC

My Commission Expires: 10/19/16



CERTIFICATE OF SERVICE

This is to certify that I have this day mailed a true and exact copy of the foregoing

Answer to Complaint to Jim Waide at his usual United States Postal Address:

Honorable Jim Waide
Waide and Associates, P.A.
P.O. Box 1357
Tupelo, Mississippi 38802

This the 10th day of OCTOBER 2016.



DANIEL K. TUCKER